

TO: Kim Lundy- Email
Walmart Inc.
702 SW 8TH ST
BENTONVILLE, AR 72716-6209

RE: Process Served in Tennessee

FOR: WALMART INC. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Kouns Jennifer S., Pltf. vs. Walmart, Inc., et al., Dfts.
Name discrepancy noted.

DOCUMENT(S) SERVED: Summons, Attachment(s), Complaint, Bond(s), First Set of Interrogatories, Certificate(s), First Request(s)

COURT/AGENCY: Marion County - Circuit Court, TN
Case # 22756

NATURE OF ACTION: Personal Injury - Slip/Trip and Fall - 08/21/2020

ON WHOM PROCESS WAS SERVED: C T Corporation System, Knoxville, TN

DATE AND HOUR OF SERVICE: By Process Server on 07/14/2021 at 10:35

JURISDICTION SERVED : Tennessee

APPEARANCE OR ANSWER DUE: Within 30 days from the date of this summons is served

ATTORNEY(S) / SENDER(S): Derek Nelson
Warren & Griffin, PC
736 Georgia Avenue, Suite 100
Chattanooga, TN 37402
423-265-4878

ACTION ITEMS: CT has retained the current log, Retain Date: 07/14/2021, Expected Purge Date: 07/19/2021

Image SOP

REGISTERED AGENT ADDRESS: C T Corporation System
300 Montvue RD
Knoxville, TN 37919
877-564-7529
MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

State of Tennessee

IN THE CIRCUIT COURT OF MARION COUNTY

JENNIFER S. KOUNS,

Plaintiff,

vs.

WALMART, INC., WALMART SUPERCENTER AND

AGREE STORES, LLC,

Defendants,

)

)

)

)

)

)

NO. 22756

DIVISION _____

JURY DEMANDED

SUMMONS

SERVE THROUGH SHERIFF OF KNOX COUNTY

TO: WALMART, INC.

C/O CT CORPORATION SYSTEM

300 MONTVUE ROAD

KNOXVILLE, TN 37919

You are hereby summoned to defend a civil action filed against you in the Circuit Court, Marion County, Tennessee.

Your defense must be made within thirty (30) days from the date this summons is served upon you. You are directed to file your defense with the clerk of the court and send a copy to the plaintiff's attorney at the address listed below. If you fail to defend this action by the below date, judgment by default may be rendered against you for the relief sought in the complaint

WITNESSED and Issued this 9 day of July, 20 21

Marion County Circuit Court
PO Box 789
Jasper, TN 37347

By Kelli Morrow

Clerk/Deputy Clerk

Attorneys for Plaintiff: Derek Nelson, 736 Georgia Avenue Suite 100 Chattanooga, TN 37402
(423) 265-4878

Plaintiff's Address: Through Plaintiff's Attorney

Received this _____ day of _____, 20 _____

/S/ _____
Deputy Sheriff

ADA: If you need assistance or accommodations because of a disability, please call _____, ADA Coordinator, at (423)209-7500

Rev. 03/11

State of Tennessee,
County of Marion

I, _____, Clerk of the Circuit Court, in and for the State and County aforesaid, hereby certify that the within and foregoing is a true and correct copy of the original writ of summons issued in this case.

By _____ D.C.

Circuit Court Clerk

OFFICER'S RETURN

I certify that I served this summons together with the complaint as follows:

☐ On, JUL 14 2021, 20_____, I delivered a copy of the summons and complaint to the defendant, Walmart Inc **REFUSED TO SIGN**

☐ Failed to serve this summons within 90 days after the issuance because: _____

N. Baird 2525

Sheriff/Deputy Sheriff /LISD

CLERK'S RETURN

I hereby acknowledge and accept service of the within summons and receive copy of the same, this _____ day of _____ 20_____.

Defendant

By _____ D.C.

Circuit Court Clerk

NOTICE to Defendant(s)

TO THE DEFENDANT(S): Tennessee law provides a ten thousand dollar (\$10,000) personal property exemption as well as a homestead exemption from execution or seizure to satisfy a judgment. The amount of the homestead exemption depends upon your age and the other factors which are listed in TCA § 26-2-301. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for your self and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

IN THE CIRCUIT COURT OF MARION COUNTY, TENNESSEE

JENNIFER S. KOUNS,

Plaintiff,

vs.

WALMART, INC., WALMART
SUPERCENTER AND AGREE STORES,
LLC,

Defendants.

NO: 22756

DIVISION

JURY DEMANDED

COMPLAINT

FILED
LONNA HENDERSON
CIRCUIT COURT
2021 JUL -9 A 9:27

Comes the Plaintiff and for her cause of action against the defendants allege as follows:

I.

The plaintiff is a citizen and resident of Grundy County, Tennessee. The defendants, Walmart, Inc. and Walmart Supercenter, are believed to be a foreign corporation duly organized under the laws of the State of Tennessee and operates a place of business located in Kimball, Marion County, Tennessee. The defendant, Agree Stores, LLC, is believed to be a foreign limited liability company duly organized under the laws of the State of Tennessee and operates a place of business located in Kimball, Marion County, Tennessee. The acts and omissions alleged herein occurred within Kimball, Marion County, Tennessee, so this Court has jurisdiction over this cause.

II.

That at all times mentioned herein, the defendants owned and operated on its premise a store known as Walmart that was open to the general public.

III.

That on August 21, 2020, the defendant permitted a slippery substance to remain on the floor in a place allowing for the passage of the Plaintiff as well as other patrons of Walmart. Said slippery substance was transparent, slippery and rendered the floor dangerous for use as a passage way and created a trap for the plaintiff and other patrons.

IV.

At said time on the aforementioned date the Plaintiff was walking across the floor of said Walmart in a careful and prudent manner, when her feet came in contact with the aforesaid slippery substance which was located on the floor near entrance/exit. As a result of this contact, the Plaintiff slipped, lost her balance and fell to the floor, striking her left leg.

V.

That the defendants knew or should have known that unless vigilance was used, slippery substances would accumulate on the floor and would endanger the safety of persons walking on the floor. Said slippery substance had been on the floor for such a period of time preceding the fall of the plaintiff that persons of ordinary prudence in the position of defendants should have known, and in the exercise of ordinary care had a reasonable opportunity to remedy the condition, prior to the fall experienced by the plaintiff. In spite of the defendants' notice of the presence of the slippery substance on the floor, defendants negligently failed and omitted to remove the same within a reasonable time or to take any precaution to prevent injury to the Plaintiff. The accident and injuries herein alleged were proximately caused by the negligence of the defendants in causing and permitting the slippery substance to remain on said floor in failing to take reasonable precautions to prevent injury to the Plaintiff.

VI.

The plaintiff sustained a left tibial fracture as well as a torn LCL. As a result of these injuries, the plaintiff required medical care and treatment, incurred substantial expense, sustained a temporary total impairment of her earning capacity, and was unable to pursue her normal activities.

VII.

The plaintiff's injuries may be permanent so that she will require future medical care, suffer a permanent impairment of her earning capacity and will remain unable to pursue her normal activities.

WHEREFORE, the Plaintiff demands:

Judgment against the defendants for \$250,000.00 for compensatory damages; and a jury to try the issues when joined.

RESPECTFULLY SUBMITTED,

WARREN & GRIFFIN, PC

BY: Derek M. Nelson
Derek Nelson BPR#: 033461
Attorney for Plaintiff
736 Georgia Avenue, Suite 100
Chattanooga, Tennessee 37402
(423) 265-4878

